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11 Attorneys for USACM Liquidating Trust

12 **UNITED STATES BANKRUPTCY COURT**
13 **DISTRICT OF NEVADA**

14 In re:

15 USA COMMERCIAL MORTGAGE
16 COMPANY,

17 Debtor.

18 Case No. BK-S-06-10725-LBR

19 Chapter 11

20 **NOTICE OF HEARING RE
21 OMNIBUS OBJECTION OF USACM
22 TRUST TO PROOFS OF CLAIM
23 BASED UPON INVESTMENT IN
24 THE BINFORD MEDICAL
25 DEVELOPERS LOAN**

26 Date of Hearing: September 30, 2011

THE TIME OF HEARING: 9:30 a.m.

Estimated Time for hearing: 10 min.

16 **THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM
17 THAT YOU FILED. THE USACM TRUST SEEKS TO DISALLOW 85% OF
18 YOUR CLAIM AND ALLOW 15% OF YOUR CLAIM TO THE EXTENT YOUR
19 CLAIM IS BASED UPON AN INVESTMENT IN THE BINFORD MEDICAL
20 DEVELOPERS LOAN. THE USACM TRUST CONTENDS THAT YOU DO NOT
21 HAVE A COMPLETELY VALID CLAIM BASED UPON YOUR INVESTMENT
22 IN THIS LOAN BECAUSE YOU TOOK A KNOWN AND OBVIOUS RISK IN
23 MAKING THAT INVESTMENT AND USACM DID NOT GUARANTEE
24 REPAYMENT OF THAT LOAN. THIS OBJECTION WILL NOT IMPACT**

1 **YOUR CLAIM TO THE EXTENT IT IS BASED UPON AN INVESTMENT IN A
2 DIFFERENT LOAN.**

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY
4 COURT TO DISCUSS THE MERITS OF YOUR CLAIM. QUESTIONS
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP
7 CONSULTING, LLC (602-424-7009) OR TO UNDERSIGNED COUNSEL, JOHN
8 HINDERAKER (520-629-4430).**

9 **NOTICE IS HEREBY GIVEN** that the USACM Liquidating Trust, by and
10 through its counsel, has filed its Omnibus Objections to Proofs of Claim Based Upon
11 Investment in the Binford Medical Developers Loan (with Certificate of Service) (the
12 “Objection”). Your Proof of Claim number and other information regarding your claim is
13 provided in **Exhibit A**, attached to the Objection. The USACM Liquidating Trust has
14 requested that this Court enter an order, pursuant to section 502 of title 11 of the United
15 States Code (the “Bankruptcy Code”) and Rule 3007 of the Federal Rules of Bankruptcy
16 Procedure (the “Bankruptcy Rules”), disallowing 85% and allowing 15% of your Proof of
17 Claim to the extent it is based upon an investment in the Binford Medical Developers
18 Loan. The Objection will not impact your Claim to the extent it is based upon an
19 investment in a different loan.

20 **NOTICE IS FURTHER GIVEN** that the hearing on the Objection will be held
21 before the Honorable Linda B. Riegle, U.S. Bankruptcy Court Judge in the Foley Federal
22 Building, 300 Las Vegas Blvd. South, 3rd Floor, Courtroom No. 1, Las Vegas, Nevada on
23 **September 30, 2011, at the hour of 9:30 a.m.**

24 **NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON
25 SEPTEMBER 30, 2011, WILL BE HELD FOR THE PURPOSE OF STATUS
26**

1 **CHECKS AND SCHEDULING EVIDENTIARY HEARINGS ONLY. NO**
2 **ARGUMENTS WILL BE HEARD ON THAT DATE.**

3 **NOTICE IS FURTHER GIVEN** that pursuant to Local Rule 9014(d), any
4 response to the objection must be filed and service must be completed no later than
5 **fourteen (14) days** preceding the hearing date. The opposition must set forth all relevant
6 facts and any relevant legal authority.

7 If you object to the relief requested, you *must* file a **WRITTEN** response to this
8 pleading with the Court. You *must* also serve your written response on the person who
9 sent you this notice.

10 If you do not file a written response with the Court, or if you do not serve your
11 written response on the person who sent you this notice, then:

12 • The Court may *refuse to allow you to speak* at the scheduled hearing; and
13 • The Court may *rule against you* and sustain the objection without formally
14 calling the matter at the hearing.

15 Dated: August 7, 2011

16 LEWIS AND ROCA LLP

17 By s/John Hinderaker (AZ 18024)
18 Robert M. Charles, Jr., NV 6593
19 John Hinderaker, AZ 18024 (*pro hac vice*)
20 Marvin Ruth, NV 10979
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23 E-mail: JHinderaker@lrlaw.com
24 Attorneys for the USACM Liquidating Trust

25 Copy of the foregoing and pertinent
26 portion of Exhibits deposited in first
27 class postage prepaid U.S. Mail on
28 August 7, 2011 to all parties listed on
29 Exhibit A attached.

30 LEWIS AND ROCA LLP

31 s/ Matt Burns
32 Matt Burns